

DENNIS J. HERRERA, State Bar #139669
 City Attorney
 JOANNE HOEPER, State Bar #114961
 Chief Trial Deputy
 SEAN F. CONNOLLY, State Bar #152235
 Deputy City Attorney
 Fox Plaza
 1390 Market Street, 6th Floor
 San Francisco, California 94102-5408
 Telephone: (415) 554-3863
 Facsimile: (415) 554-3837
 E-Mail: sean.connolly@sfgov.org

Attorneys for Defendant
 CITY AND COUNTY OF SAN FRANCISCO

JOSEPH P. BRENT, State Bar #214459
 DAVID LEE FIOL, State Bar #203546
 Brent & Fiol, LLP
 222 Kearny Street, Suite 650
 San Francisco, CA 94108
 Telephone: (415) 984-0415
 Facsimile: (415) 373-4420
 E-Mail: jbrent@brentfiollaw.com

Attorneys for Plaintiffs
 JEFFREY BITTON, MICHA BITTON
 & SANDRA BITTON

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JEFFREY BITTON, MICHA BITTON AND
 SANDRA BITTON,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO, a municipal entity, SAN
 FRANCISCO POLICE DEPARTMENT
 CAPTAIN DAVID LAZAR, POLICE
 OFFICER BERKE (SFPD BADGE NO.
 2240), POLICE OFFICER BRENT
 BRADFORD (SFPD BADGE NO. 4199),
 POLICE OFFICER NG (SFPD BADGE NO.
 338), POLICE OFFICER DOWKY (SFPD
 BADGE NO. 799), POLICE OFFICER
 MARON (SFPD BADGE NO. 1929), POLICE
 OFFICER NEWBECK (SFPD BADGE NO.
 1691), POLICE OFFICER PAPALE (SFPD
 BADGE NO. 642), POLICE OFFICER

Case No. C08-5585 MMC

**JOINT ADMINISTRATIVE MOTION TO
 EXTEND JURISDICTION OF ENE
 EVALUATOR IN ORDER TO CONDUCT ENE
 HEARING; ~~PROPOSED~~ ORDER
 [STIPULATED]
 [CIVIL L.R. 7-11]**

JONES (SFPD BADGE NO. 852), POLICE
OFFICER GARDEN (SFPD BADGE NO.
404), POLICE OFFICER MCKINNEY (SFPD
BADGE NO. 4), POLICE OFFICER
LIBERTA (SFPD BADGE NO. 682), and
DOES 1-100,

Defendants.

Pursuant to Local Rule 7-11 and ADR L.R. 5-4(b), the parties jointly file this stipulated Administrative Motion to extend the jurisdictional time of the evaluator in order to conduct an ENE Hearing.

BACKGROUND

This is a civil rights action brought by the Jeffrey Bitton, Micha Bitton and Sandra Bitton against individual San Francisco police officers and the City and County of San Francisco. Plaintiffs contend that the Defendants violated their Fourth Amendment rights by making an unlawful entry into their home and using unlawful force against defendants, while the Defendants maintain that exigent circumstances justified a warrantless entry and that any force used was lawful.

The parties and the Court's ADR coordinator engaged in a teleconference regarding the timing of the ENE Hearing, the form of mandatory ADR selected by the parties. Following the conference, the Court appointed Charles E. Farnsworth as the ENE Evaluator and set the hearing for June 11, 2009.

Due to conflicting schedules of the parties and evaluator, the parties were unable to conduct the hearing. A subsequent hearing could not be rescheduled within the 90 time limit prescribed by ADR Local Rules for conducting such hearing.

On September 8, 2009, a further ADR phone conference was conducted, at which time the ADR coordinator recommended that the parties file a joint administrative motion seeking an extension of the ENE Evaluator's jurisdiction so that ADR efforts can ensue. The parties agree that within 60 days after an order is issued would be a reasonable time to prepare for and to engage in the ADR process. Accordingly, the parties file this joint motion.

1 Dated: September 16, 2009

2 DENNIS J. HERRERA
3 City Attorney
4 JOANNE HOEPER
5 Chief Trial Deputy

6 By: s/Sean Connolly
7 SEAN F. CONNOLLY
8 Deputy City Attorney

9 Attorneys for Defendants CITY AND COUNTY OF
10 SAN FRANCISCO, et al.

11 Dated: September 16, 2009

12 BRENT & FIOL, LLP

13 By: s/David Fiol
14 JOSEPH P. BRENT, ESQ.
15 DAVID LEE FIOL, ESQ.

16 Attorneys for plaintiffs JEFFREY BITTON,
17 MICHA BITTON & SANDRA BITTON

18 **ORDER**

19 Pursuant to stipulation, it is so Ordered that the ENE Evaluator Charles E. Farnsworth's
20 jurisdiction be extended for 60 days from the date of this order.

21 Date: September 29, 2009

22 
23 The Honorable Maxine M. Chesney
24 Judge of the United States District Court